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July 24, 2013

BY CERTIFIED MAIL

Joe White, President
LeachGarner (Richline Group)
49 Pearl Street
PO Box 358
Attleboro, MA 02703
Certified Mail # 7011 1150 0000 0300 3660

Re: 60-Day Notice of Violations and Intent to File Suit Regarding Noncompliance with Federal Clean Water Act's Industrial Stormwater Discharge Requirements: 49 Pearl Street and 200 East Street, Attleboro, MA

Dear Mr. White:

This office represents Clean Water Action, a national non-profit citizens' organization working for prevention of pollution in the nation's waters, protection of natural resources, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. Clean Water Action has over one million members nationally, more than 50,000 of whom reside in Massachusetts.

LeachGarner operates facilities at 49 Pearl Street and 200 East Street in Attleboro that are failing to comply with the federal Clean Water Act's requirements for control of stormwater pollution. These facilities have been subject to EPA's Multi-Sector General Stormwater Permit for Stormwater Discharges Associated with Industrial Activity ("Stormwater Permit") since at the latest January 2009.[1] Every time the company has sampled its stormwater discharges the results showed significant exceedences of each applicable EPA benchmark limit. The company has been under an obligation to take corrective actions since June 26, 2009 to remedy these

[1] 73 Fed. Reg. 56572 (Sept. 29, 2008). Notices of Intent for the Pearl Street and East Street facilities to be covered by the Stormwater Permit were filed by SternLeach on January 7, 2009. LeachGarner submitted Notices of Intent to EPA for the two facilities on May 31, 2012.

exceedences. Instead of complying with this obligation, it stopped monitoring and reporting on its stormwater discharges as of March 2010.

We write to give notice that Clean Water Action intends to file a civil action in the United States District Court for the District of Massachusetts under section 505 of the Federal Clean Water Act (the "Act") against LeachGarner for noncompliance with the federal Clean Water Act's stormwater discharge requirements at its Pearl Street and East Street facilities. Stormwater runoff from the Facility is discharged into Speedway Brook via the City of Attleboro's municipal separate storm drain system. Speedway Brook is tributary to Ten Mile River.

BACKGROUND

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these materials, it picks up pollutants and transports them to nearby rivers, lakes, or coastal waters and tributaries thereto, including but not limited to storm sewer systems, wetlands, and other surface waters. Stormwater pollution is a significant source of water quality problems for the nation's waters.

The following are *some* of the activities, pollutant sources and pollutants that are or may be present with LeachGarner's primary metals facility at 200 East Street:

Activity	Pollutant Source	Pollutant
Material storage and handling	Metal product stored outside such as foundry returns, scrap metal, turnings, fines, ingots, bars, pigs, wire including materials coated with oil to prevent corrosion or residual chemicals from cleaning or treating	Residual or protective oil and grease, metals, total suspended solids (TSS), chemical oxygen demand
	Outdoor storage or handling of fluxes	pH (limestone)
	Storage of poles, bins, or material handling of coke or coal	(COD)
	Storage or handling of casting sand or refractory (from piles, hoppers, or bins)	TSS, pH, metals, phenolic compounds
	Leaks and spills of acids or solvents from drums or tanks	TSS, pH, toxicity depending on material
Vehicle and equipment fueling and maintenance	Vehicle fueling and maintenance or outdoor storage tanks and drums of gas, diesel, kerosene, lubricants, solvents	Oil and grease, diesel, gasoline, TSS, antifreeze
Waste materials (handling, storage, and disposal)	Slag or dross stored or disposed of outside in poles or drums	Metals, pH
	Fly ash, particulate emissions, dust collector sludges and solids, baghouse waste	TSS
	Storage and disposal of waste sand or refractory rubble in poles outside	TSS, metals, misc. "wet" sand additives
	Machining waste - fines, turnings, oil, borings, gates, sprues, scale	TSS, metals, Oil and grease
	Obsolete equipment stored outside	Oil and grease, metals

	Landfilling or open pit disposal of wastes on-site	Metals, cyanide, cadmium, arsenic, hexavalent chromium, or halogenated or chlorinated solvents
Furnace operations and pollution control equipment	Losses during charging of coke ovens or sintering plants and from particulate emissions	TSS, particulates, metals, volatiles, pH
	Fugitive emissions from poorly maintained or malfunctioning baghouses, scrubbers, electrostatic precipitators, cyclones	TSS, metals
	Wastewater treatment operations exposed to precipitation	TSS, metals
	Particulate emissions from blast furnaces, electric arc furnaces, induction furnaces	TSS, Oil and grease, ammonia-N, cyanide, phenolic compounds, dissolved iron, toxic organic pollutants, metals (depending on operation)
Rolling, casting, and finishing operations	Exposure of wastewater used for cooling or descaling related to rolling	Oil and grease, pH, TSS, metals, COD
	Storage of products outside after painting, pickling, or cleaning operations	pH, solvents, metals
	Casting cooling or shakeout	TSS, metals
	Losses of particulate matter from machining operations (grinding, drilling, boring, cutting)	Metals, TSS, Oil and grease
Plant yards	Areas of the facility with unstabilized soils subject to erosion and sediment loss	TSS
Illicit discharges	Improper connection of floor, sink, or process wastewater drains to storm sewers	Dependent on source

The following are *some* of the activities, pollutant sources and pollutants that are or may be present with LeachGarner's fabricated metal products facility at 49 Pearl Street:

Activity	**Pollutant Source**	**Pollutant**
Tool workpiece interface/ shaving, chipping	Used metal working fluid with fine metal dust	Total suspended solids (TSS), chemical oxygen demand (COD), oil and grease
Parts/tools cleaning, sand blasting, metal surface cleaning, removal of applied chemicals	Solvent cleaners, abrasive cleaners, alkaline cleaners, acid cleaners, rinse waters	Spent solvents, TSS, acid/alkaline waste, oil
	Solvents, cold and hot dips, cleaning parts, degreasing	Acid, coolants, clean composition, degreaser, mineral spirits, pickle liquor, spent caustic, sludge.
Making structural components	Cuttings, scraps, turnings, fines	Metals
Painting operations	Paint and paint thinner spills, sanding, spray painting	Paints, spent solvents, heavy metals, TSS
	Empty containers, paint application wastes, spills, over spraying, storage areas	Paint wastes, thinner, varnish, heavy metals, spent chlorinated solvents
Cleanup of spills and drips	Used absorbent materials	TSS, spilled material
Transportation or storage of materials	Wood dunnage/pallets	BOD, TSS
Metal preparation	Grinding, welding, sawing, shaving, brazing, bending, cutting, etching	Steel scraps, aluminum scraps, brass, copper, dust, chips and borings, steel scale, teflon, manganese.

Surface treatment	Finishing, plating, case hardening, chemical coating, coating, polishing, rinsing, abrasive cleaning, electroplating	Acid, aromatic solvent, corn cob, lubricants, sand, oil, pH, nitrates, nitrites, carbon, phosphates, borates, nitrogen, oily sludge, nickel, chromium, hydrofluoric acid.
Galvanizing	Spills, leaks, transporting materials	Acid solution, phosphates, zinc chromate, hexavalent chromium, nickel.
Heavy equipment use and storage	Leaking fluids, fluids replacement, washing equipment, use on poor surface area, soil disturbance	Oil, heavy metals, organics, fuels, TSS, hydraulic oil, diesel fuel, gasoline
Equipment/vehicle maintenance	Leaking fluids, fluids replacement, washing equipment	Oil, grease
	Vehicle fueling	Gas/diesel fuel, fuel additives
Storage of uncoated structural steel	Stored on porous pavement	Aluminum, lead, zinc, copper, iron, oxide, oil, nickel, manganese.
Storing galvanized steel directly on the ground	Galvanizing material drippage or leaching	Metals: zinc, nickel, cadmium, chromium.
Vehicle/equipment traffic	Soil disturbance and erosion	TSS from erosion, hydraulic fluid loss/spillage
Cleaning equipment/vehicles	Chemicals disposed improperly, spillage	Oil, grease, surfactants, chromates, acid, hydroxide, nitric acid

Clean Water Action will ask the Court to ensure LeachGarner's future compliance with the Act, assess civil penalties in an appropriate amount,[2] award plaintiff litigation costs, including attorney and expert fees, and award any other relief the Court deems appropriate. Clean Water Action's complaint will be filed a minimum of 60 days after the postmark date of this letter. This is a formal 60-day notice of intent to sue that is being served pursuant to 40 C.F.R., Part 135.

This notice is being provided by:

Cindy Luppi, New England Regional Co-Director
Clean Water Action
262 Washington Street, Suite 301
Boston, MA 02108
(617) 338-8131
(617) 335-6449 (fax)

[2] The Act authorizes the Court to assess a penalty of up to $32,500 per day for each violation occurring up to or including January 12, 2009, *see* 33 U.S.C. § 1319(d), 69 Fed. Reg. 7121 (Feb. 13, 2004), and $37,500 per day of violation for violations after that date. *See* 73 Fed. Reg. 75340 (Dec. 11, 2008).

Counsel for Clean Water Action in this case is:

Nora J. Chorover
Stern, Shapiro, Weissberg & Garin, LLP
90 Canal Street, Suite 500
Boston, MA 02114
(617) 742-5800
(617) 742-5858 (fax)

LEACHGARNER'S VIOLATIONS AND DATES OF VIOLATIONS

Benchmark Limit Monitoring and Reporting

The EPA benchmark parameters applicable to LeachGarner's primary metals facilities at 200 East Street are total copper and total zinc. The benchmark parameters applicable to the fabricated metals facility at 49 Pearl Street are total aluminum, total iron, total zinc, and nitrate plus nitrite nitrogen. The company was required to monitor for compliance with these benchmarks for at least four consecutive quarters, commencing during, at the latest, the April-June quarter of 2009.[3] Monitoring reports were to be submitted to EPA within 30 days of receiving the results.[4] Quarterly benchmark monitoring must continue until the average of four additional quarters of monitoring does not exceed the benchmark.[5]

LeachGarner monitored Stormwater discharges for only four quarters, commencing on June 26, 2009 and ending on March 26, 2010. The results of this monitoring were not timely filed with EPA. Moreover, the results showed significant exceedences of all benchmark limits at both facilities. LeachGarner failed to continue quarterly benchmark monitoring until the average of four additional quarters of monitoring fell below benchmarks, as is required by the permit. LeachGarner's benchmark limit monitoring and reporting violations are set forth in greater detail on Exhibits A and B.[6]

To the extent additional monitoring and/or reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional monitoring violations. To the extent additional monitoring and/or reporting violations are

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[3] Monitoring must commence in the first full quarter following either April 1, 2009 or the Facility's date of discharge authorization, whichever date comes later. Stormwater Permit, pg. 34. LeachGarner's permit authorization occurred during the January-March 2009 quarter. Accordingly, its first monitoring/reporting quarter was the April-June 2009 quarter.

[4] Stormwater Permit, pg. 41.

[5] Stormwater Permit, pg. 36. This requirement applies unless the permittee has fulfilled certain other requirements, including, among other things, documenting to EPA that no further pollutant reductions are technologically available and economically practicable and achievable, in light of best industry practice. Stormwater Permit, pg. 36.

[6] Clean Water Action believes that LeachGarner's violations have occurred on the dates identified in this letter and on Exhibits A and B, and not just on rain days. However, to the extent it is determined that rain days are relevant in determining the dates of violations, such rain dates through July 20, 2013 are set forth on Exhibit C hereto. The complaint, when filed, will set forth additional rain dates since July 20, 2013.

learned through discovery in the action, the complaint will be amended to seek remedy for such additional monitoring violations.[7]

Inspections and Annual Reports

The Stormwater Permit requires facilities to conduct routine facility inspections, quarterly visual assessments, and annual comprehensive site inspections.[8] Comprehensive site inspections must be completed by no later than September 29th of each year of permit coverage. Annual reports that include the results of these comprehensive site inspections must be submitted to EPA by no later than 45 days following the inspection.[9] LeachGarner failed to comply with the inspection and annual reporting requirements, as set forth on Exhibits A and B. To the extent additional reporting violations become known to Clean Water Action before the action is filed, the complaint will seek remedy for such additional reporting violations. To the extent additional reporting violations are learned through discovery in the action, the complaint will be amended to seek remedy for such additional reporting violations.

Control Measures and Corrective Action

The Stormwater Permit requires LeachGarner to ensure that its control measures minimize its stormwater pollutant discharges and LeachGarner must modify its control measures as expeditiously as practicable whenever it finds that they "are not achieving their intended effect of minimizing pollutant discharges."[10] Corrective action must be taken whenever the results of monitoring show that "an exceedence of the 4 quarter average is mathematically certain."[11] Documentation of corrective action must be included in the annual report.[12]

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[7] Additional discovered monitoring violations may include, without limitation: failure to ensure representative sampling (General Permit, App. B, section B(1)(A), pg. B-5); failure to monitor from all facility outfalls (*id.*, section 6.1.1, pg. 33); failure to monitor during a measurable storm event following the preceding storm by at least 3 days (*id.*, section 6.1.3, pg. 33); failure to conduct monitoring in accordance with test procedures approved under 40 CFR Part 136 (*id.*, App. B, section B(10), pg. B-6); or failure to sample within the first 30 minutes of a measurable storm event (*id.*, section 6.1.4, pg. 34). Additional discovered reporting violations may include, without limitation, failure to submit all reporting data to EPA no later than 30 days after receipt of laboratory results (General Permit, section 7.1).

[8] Stormwater Permit, pgs. 20-25.

[9] Stormwater Permit, pg. 41.

[10] Stormwater Permit, section 2.0 (pg. 12) "Minimize" means "reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice." *Id.*

[11] Stormwater Permit, pg. 19.

[12] *Id.*

LeachGarner did not adopt sufficient control measures as of the date the permit became effective, as evidenced by its numerous benchmark exceedences. Nor did it implement corrective action as required upon learning of its annual average benchmark exceedences for pollutants. LeachGarner exceeded the annual average benchmark for copper at its East Street facility commencing June 26, 2009 and zinc at the East Street facility as of September 27, 2009. Annual average benchmarks for aluminum, iron and zinc were all exceeded at the Pearl Street facility as early as June 26, 2009. The annual average benchmark for nitrogen was exceeded at the Pearl Street facility as of March 26, 2010. LeachGarner's violations of the control measures and corrective action provisions of the Stormwater Permit are set forth on Exhibits A and B.

This Notice Letter alleges that LeachGarner failed to implement adequate control measures and corrective action based on information presently available to Clean Water Action. If additional information regarding this violation becomes known to Clean Water Action in the future, the complaint may set forth some or all of such additional information. If additional violations of the Permit's requirement for corrective action and adequate control measures are learned through discovery in the action, the complaint will be amended to seek remedy for such additional violations.

CONCLUSION

Clean Water Action believes this Notice of Violations and Intent to File Suit sufficiently states the basis for a civil action. During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of litigation. If you wish to pursue such discussions, please have your attorney contact Nora Chorover at 617-742-5800 within the next 20 days so that negotiations may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Nora J. Chorover, Attorney for
CLEAN WATER ACTION

cc: (by certified mail)

Fred Poluhovich
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Kenneth L. Kimmell, Commissioner
Massachusetts Department of Environmental Protection
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Boston, MA 02108
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Exhibit A

EXHIBIT A
LEACHGARNER VIOLATIONS – PEARL STREET

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	June 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	September 30, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	December 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	March 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	June 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2011	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	September 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	December 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	March 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	June 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	September 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	December 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Aluminum	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Iron	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Monitor Benchmark Limits	Nitrate + Nitrite Nitrogen	March 31, 2013	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July 31, 2009	October 6, 2009
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October 31, 2009	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January 31, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April 30, 2010	March 7, 2011
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October 31, 2010	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January 31, 2011	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April 30, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October 31, 2011	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April 30, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	July 31, 2012	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	July 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	October 31, 2012	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	January 31, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Aluminum	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Iron	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2013	The present
49 Pearl Street	1, 2, 3, 4	Failure to Report on Benchmark Monitoring	Nitrate + Nitrite Nitrogen	April 30, 2013	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	September 29, 2009	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	November 13, 2009	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	September 29, 2010	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	November 13, 2010	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	September 29, 2011	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	November 13, 2011	The present
49 Pearl Street		Failure to Conduct and Document Required Inspections	n/a	September 29, 2012	The present
49 Pearl Street		Failure to Submit Annual Report	n/a	November 13, 2012	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
40 Pearl Street		Failure to Implement Adequate Control Measures	All	January 7, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Aluminum	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Iron	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Zinc	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Nitrate + Nitrite Nitrogen	March 26, 2010	The present

Exhibit B

EXHIBIT B
LEACHGARNER VIOLATIONS – EAST STREET

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	June 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	September 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	December 31, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2010	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	March 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	June 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	September 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	December 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2011	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	March 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	June 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	June 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	September 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	September 30, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	December 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	December 31, 2012	The present
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Copper	March 31, 2013	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street	1, 2, 3	Failure to Monitor Benchmark Limits	Total Zinc	March 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July 31, 2009	October 6, 2009
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2009	October 6, 2009
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October 31, 2009	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2009	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January 31, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April 30, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2010	March 7, 2011
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2010	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April 30, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2011	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April 30, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2012	The present

Facility	Outfalls	Type of Violation	Parameter	Beginning Date of Violation	Earliest End Date of Violation
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	July 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	July 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	October 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	October 31, 2012	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	January 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	January 31, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Copper	April 30, 2013	The present
200 East Street	1, 2, 3	Failure to Report on Benchmark Monitoring	Total Zinc	April 30, 2013	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	September 29, 2009	The present
200 East Street		Failure to Submit Annual Report	N/A	November 13, 2009	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	September 29, 2010	The present
200 East Street		Failure to Submit Annual Report	N/A	November 13, 2010	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	September 29, 2011	The present
200 East Street		Failure to Submit Annual Report	N/A	November 13, 2011	The present
200 East Street		Failure to Conduct and Document Required Inspections	N/A	September 29, 2012	The present
200 East Street		Failure to Submit Annual Report	N/A	November 13, 2012	The present
40 Pearl Street		Failure to Implement Adequate Control Measures	All	January 7, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Copper	June 26, 2009	The present
40 Pearl Street		Failure to Implement Corrective Action	Total Zinc	September 27, 2009	The present

Exhibit C

EXHIBIT C

DAYS BETWEEN
JANUARY 7, 2009 AND JULY 20, 2013
ON WHICH STORMWATER FROM FACILITY
DISCHARGED TO WATERS OF THE UNITED STATES

January 2009:	7, 8, 11, 18, 19, 29
February 2009:	1, 12, 19, 23, 28
March 2009:	2, 9, 10, 27, 30, 31
April 2009:	2, 4, 7, 11, 12, 21, 22, 23
May 2009:	6, 7, 8, 10, 15, 17, 27, 30
June 2009:	4, 6, 10, 12, 14, 15, 19, 20, 22, 23, 24, 29
July 2009:	1, 2, 3, 8, 9, 12, 18, 21, 22, 24, 25, 31
August 2009:	1, 6, 14, 29, 30
September 2009:	12, 13, 27, 28, 29
October 2009:	3, 4, 8, 10, 16, 19, 25, 28, 29
November 2009:	1, 14, 15, 20, 21, 24, 27, 28
December 2009:	1, 3, 4, 6, 9, 10, 14, 20, 21, 27, 28
January 2010:	1, 3, 18, 20, 26
February 2010:	11, 17, 24, 25, 26
March 2010:	1, 4, 14, 15, 16, 23, 24, 26, 29, 30, 31
April 2010:	10, 17, 23, 27
May 2010:	3, 5, 8, 9, 19, 27, 30
June 2010:	2, 4, 5, 10, 13, 21, 23, 29
July 2010:	10, 11, 14, 15, 20, 24, 25
August 2010:	6, 10, 16, 23, 24, 25, 26
September 2010:	4, 17, 27, 29
October 2010:	2, 4, 5, 6, 7, 15, 16, 28
November 2010:	5, 8, 9, 17, 18
December 2010:	2, 13, 27
January 2011:	12, 13, 19, 21, 22, 27
February 2011:	2, 3, 6, 8, 9, 25, 26, 27
March 2011:	1, 7, 12, 17, 22
April 2011:	1, 6, 13, 14, 17, 24, 28, 29
May 2011:	5, 15, 16, 17, 18, 19, 20, 24
June 2011:	10, 12, 13, 18, 23, 24, 26
July 2011:	9, 14, 26, 27
August 2011:	3, 7, 8, 10, 11, 15, 16, 22, 26, 28, 29
September 2011:	6, 7, 8, 9, 16, 23, 24, 29, 30
October 2011:	1, 4, 5, 13, 14, 15, 20, 28, 30
November 2011:	11, 17, 18, 23, 24, 30
December 2011:	7, 8, 22, 23, 28
January 2012:	12, 13, 17, 20, 22, 24, 27, 28

February 2012:	11, 12, 25
March 2012:	1, 2, 3, 29
April 2012:	1, 2, 23, 24
May 2012:	2, 9, 10, 16, 17, 23
June 2012:	2, 3, 5, 8, 13, 14, 23, 26, 30
July 2012:	3, 24, 29
August 2012:	1, 16, 19
September 2012:	6, 9, 19, 23, 29
October 2012:	1, 3, 11, 16, 20, 29, 30, 31
November 2012:	8, 14, 28
December 2012:	8, 9, 10, 11, 17, 18, 19, 22, 27, 28, 30
January 2013:	16, 17, 29, 31
February 2013:	1, 24, 25, 27, 28
March 2013:	7, 8, 9, 13
April 2013:	1, 2, 10, 11, 13, 20, 21
May 2013:	9, 10, 20, 22, 24, 25, 26, 29, 30,
June 2013:	4, 7, 8, 11, 12, 14, 15, 19, 28, 29
July 2013:	12, 14